

In the Matter of Merchant Mariner's Document No. Z-513887-D2
Issued to: JOSEPH L. HALLSEY

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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JOSEPH L. HALLSEY

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations Sec. 137.11-1.

An Examiner of the United States Coast Guard conducted a hearing at San Francisco, California, and, by order dated 13 December 1956, suspended the Merchant Mariner's Document issued to Appellant upon finding him guilty of misconduct. The specification alleges in substance that while serving as a utility messman on board the American SS CHINA BEAR under authority of the document above described, on or about 13 September 1956, while said vessel was at sea, Appellant wrongfully created a disturbance aboard said vessel.

Appellant entered a plea of guilty and submitted a statement in mitigation admitting that he had been intoxicated. The Investigating Officer did not submit evidence in aggravation.

At the conclusion of the hearing, the Examiner concluded that the charge and specification had been proved by plea. He then entered the order suspending Appellant's Merchant Mariner's Document No. Z-513887-D2 for a period of four months. This order includes a prior three months' probationary suspension.

Based upon my examination of the record submitted, I hereby make the following

FINDINGS OF FACT

On 13 September 1956, Appellant was serving as utility messman on board the American SS CHINA BEAR and acting under authority of his Merchant Mariner's Document No. Z-513887-D2 while the ship was at sea.

On this date, Appellant became intoxicated as a result of drinking whisky. He created a disturbance.

Appellant's prior record consists of a three months'

suspension on twelve months' probation in June 1956 for offenses committed by Appellant while he was intoxicated.

BASIS OF APPEAL

This appeal has been taken from the order imposed by the Examiner. Appellant requests clemency on the ground that this severe order is hardship on his family. Appellant also requests reconsideration of the harsh order because the Master of the CHINA BEAR would like to keep Appellant on board.

OPINION

Since the Examiner's order includes a prior probationary suspension of three months, Appellant received only an additional suspension of one month for the present offense.

In view of Appellant's prior record of offenses resulting from intoxication, the order imposed is justified. Despite the personal hardship to Appellant's family and the desire of the Master to retain Appellant's services, the order will be sustained in the hope that it will dissuade Appellant from such conduct in the future. The record indicates that, except for these periodic lapses, Appellant's service has been commendable.

ORDER

The order of the Examiner dated at San Francisco, California, on 13 December 1956, is AFFIRMED.

A. C. Richmond
Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 8th day of May, 1957.